

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JENNIFER TAYLOR,)	No. C05-0243RSL
)	
Plaintiff,)	
)	
v.)	ORDER GRANTING IN PART
)	MOTION FOR RECONSIDERATION
KAHNE CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

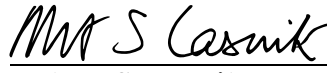
This matter comes before the Court on “Defendant Kahne Corporation’s Motion for Clarification and Reconsideration” (Dkt. # 67) and “Defendant Portac, Inc.’s Motion for Reconsideration and Clarification” (Dkt. # 68). In its “Order for Further Briefing,” dated April 19, 2006, the Court clarified that the trial of this matter will determine the extent of defendants’ liability to plaintiff, an issue that will necessarily involve consideration of the comparative fault of other parties as permitted by RCW 4.22.070(1). The Court also requested additional briefing regarding defendants’ motion for reconsideration of the Court’s finding that there were no genuine issues of material fact regarding negligence and proximate cause.

Although plaintiff specifically argued that defendants’ failure to comply with WISHA was a cause of John Clark’s death, she did not request a finding that defendants were negligent or that their actions caused plaintiff’s injuries. In the circumstances presented here,

1 defendants could reasonably rely on the narrow scope of the relief sought by plaintiff when
2 crafting their responsive memoranda. The Court will not *sua sponte* enter summary judgment on
3 issues that were not properly placed before the Court for final resolution.
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5 For all of the foregoing reasons, defendants' motions for reconsideration are
6 GRANTED in part. Issues of negligence, causation, and damages will be tried to the jury.
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9 DATED this 23rd day of May, 2006.

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12 Robert S. Lasnik
13 United States District Judge
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